

AMENDED IN ASSEMBLY AUGUST 23, 2000

AMENDED IN ASSEMBLY AUGUST 23, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 6, 1999

AMENDED IN SENATE APRIL 27, 1999

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**SENATE BILL****No. 567**

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**Introduced by Senator Speier**  
**(Coauthors: Senators Figueroa and Murray)**  
(Coauthor: Assembly Member Longville)

February 19, 1999

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An act to *amend Sections 12810 and 27361 of, and to amend, repeal, and add Sections ~~12810~~, 27360, 27360.5, ~~27361~~, 27363, 27363.5, and 27365 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Speier. Vehicles: child passenger restraint system: seatbelts.

(1) Under existing law, it is unlawful for any parent or legal guardian, when present in a motor vehicle, as defined, to permit his or her child or ward who is less than 4 years of age or weighs less than 40 pounds to be transported on the highway in the vehicle without using a specified child passenger restraint system. Existing law specifies the fines for a violation of this prohibition, provides for the allocation of those fines that are collected in accordance with a specific schedule, and provides that the fines may be waived by the

court if the defendant establishes that he or she is economically disadvantaged.

This bill, instead, would require any parent or legal guardian to secure the child or ward ~~who is less than 7 years of age~~ in that child passenger restraint system *unless the child or ward is at least one of the following: 6 years of age or older or weighs 60 pounds or more.* In addition, the bill would increase the fines for violating this provision.

The bill, in addition to the authority to waive the fines, would authorize the court to reduce the fines with respect to persons not previously convicted ~~within a 36-month period~~ of the offense or the offense described in (2) below or persons convicted of second or subsequent offenses, *as specified.* The bill would require persons subject to a reduced or waived fine to attend and complete an education program, and would allow the court to require other persons convicted of the offense to attend the education program. The bill would make certain conforming changes.

(2) Under existing law, it is unlawful for any parent or legal guardian, when present in a motor vehicle, as defined, to permit his or her child or ward who is between 4 and 16 years of age *and weighs 40 pounds or more* to be transported on the highway in the vehicle without using a safety belt.

This bill, instead, would ~~require any~~ *prohibit a* parent or legal guardian ~~to secure the,~~ *when present in a motor vehicle, from allowing his or her* child or ward ~~who is less than 7 years of age in a specified child passenger restraint system.~~ In addition, the bill would ~~authorize the court to reduce or waive the fines with respect to persons not previously convicted within a 36-month period of the offense described above from being transported upon a highway without providing and properly using a child passenger restraint system or a safety belt if the child is 6 years of age but less than 16 years of age or is less than 6 years of age and weighs 60 pounds or more.~~ The bill would authorize the court to *reduce or waive the fine upon a second or subsequent conviction if the defendant establishes that he or she is economically disadvantaged and the court refers the defendant to an educational program, except as specified.* The bill would allow the court to order ~~a~~ any person who is convicted of violating the above to attend

~~an education~~ *the educational* program. The bill would also require fines collected for violating this prohibition to be allocated in accordance with a specified schedule. Because this would increase the duties imposed on local entities, this bill would impose a state-mandated local program.

(3) Existing law exempts from the requirements described in (1) and (2) above regarding the use of seatbelts and child passenger restraint systems on children, instances involving the transportation of children in emergencies.

This bill would limit the exemption to life-threatening emergencies and to children who are at least one year of age. The bill would thereby expand the scope of existing crimes, and would create a state-mandated local program.

The bill would make a corresponding change.

(4) Existing law authorizes a court to exempt from the child passenger restraint system requirements any child for whom it is determined that the use of the system would be impractical by reason of physical unfitness, medical condition, or size. The court is authorized to require proof of those conditions.

This bill, additionally, would authorize the court to require proof that an appropriate special needs child passenger restraint system is not available.

The bill would authorize a child weighing more than 40 pounds to be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.

(5) Under existing law, every public or private hospital, clinic, or birthing center, is required, at the time of or before the discharge of a child under the age of 4 years, or weighing less than 40 pounds, to provide and discuss information on the law requiring child passenger restraint systems to the parents or the person to whom the child is released.

This bill would recast this requirement to require the information to be provided at the time of discharge of a child ~~under the age of 7~~ *6 years of age or less or weighing less than 60 pounds*.

(6) The provisions of this bill *revising the age and weight components described above* would become operative on January 1, ~~2001~~ 2002.

(7) *This bill would incorporate additional changes in Section 12810 of the Vehicle Code proposed by SB 1403, to become operative only if both bills are enacted and become operative on or before January 1, 2001, and this bill is enacted last.*

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12810 of the Vehicle Code is  
2 amended to read:

3 12810. In determining the violation point count, the  
4 following shall apply:

5 (a) Any conviction of failure to stop in the event of an  
6 accident in violation of Section 20001 or 20002 shall be  
7 given a value of two points.

8 (b) Any conviction of a violation of Section 23152 or  
9 23153 shall be given a value of two points.

10 (c) Any conviction of reckless driving shall be given a  
11 value of two points.

(d) (1) Any conviction of a violation of subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, subdivision (a) of Section 23109, subdivision (c) of Section 23109, or Section 31602 of this code, shall be given a value of two points.

(2) Any conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

(e) Except as provided in subdivision (g), any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point.

(f) Any *traffic* accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

(g) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision (b) of Section 40001 shall not result in a violation point count being given to the driver if the driver is not the owner of the vehicle.

(2) Any conviction of a violation of subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of Section 23136 shall not result in a violation point count.

(h) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(i) Any conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(j) Any conviction of a violation of Section 27360 ~~within a 37-month period~~ or 27360.5 shall be given a value of one point.

~~This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.~~

~~SEC. 2. Section 12810 is added to the Vehicle Code, to read:~~

1     ~~12810. In determining the violation point count, the~~  
2 ~~following shall apply:~~

3     ~~(a) Any conviction of failure to stop in the event of a~~  
4 ~~traffic accident in violation of Section 20001 or 20002 shall~~  
5 ~~be given a value of two points.~~

6     ~~(b) Any conviction of a violation of Section 23152 or~~  
7 ~~23153 shall be given a value of two points.~~

8     ~~(c) Any conviction of reckless driving shall be given a~~  
9 ~~value of two points.~~

10    ~~(d) (1) Any conviction of a violation of subdivision~~  
11 ~~(e) of Section 192 of the Penal Code, or of Section 2800.2~~  
12 ~~or 2800.3, subdivision (b) of Section 21651, subdivision (b)~~  
13 ~~of Section 22348, subdivision (a) of Section 23109,~~  
14 ~~subdivision (c) of Section 23109, or Section 31602 of this~~  
15 ~~code, shall be given a value of two points.~~

16    ~~(2) Any conviction of a violation of subdivision (a) or~~  
17 ~~(b) of Section 23140 shall be given a value of two points.~~

18    ~~(e) Except as provided in subdivision (g), any other~~  
19 ~~traffic conviction involving the safe operation of a motor~~  
20 ~~vehicle upon the highway shall be given a value of one~~  
21 ~~point.~~

22    ~~(f) Any traffic accident in which the operator is~~  
23 ~~deemed by the department to be responsible shall be~~  
24 ~~given a value of one point.~~

25    ~~(g) (1) A violation of paragraph (1), (2), (3), or (5)~~  
26 ~~of subdivision (b) of Section 40001 shall not result in a~~  
27 ~~violation point count being given to the driver if the~~  
28 ~~driver is not the owner of the vehicle.~~

29    ~~(2) Any conviction of a violation of subdivision (a) of~~  
30 ~~Section 21116, Section 21207.5, 21708, 21710, 21716, 23120,~~  
31 ~~24800, or 26707 shall not be given a violation point count.~~

32    ~~(3) A violation of Section 23136 shall not result in a~~  
33 ~~violation point count.~~

34    ~~(h) A conviction for only one violation arising from~~  
35 ~~one occasion of arrest or citation shall be counted in~~  
36 ~~determining the violation point count for the purposes of~~  
37 ~~this section.~~

38    ~~(i) Any conviction of a violation of Section 14601,~~  
39 ~~14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value~~  
40 ~~of two points.~~

~~(j) Any conviction of a violation of Section 27360 or 27360.5 shall be given a value of one point.~~

~~This section shall become operative on January 1, 2001.~~

*SEC. 2. Section 12810 of the Vehicle Code is amended to read:*

12810. In determining the violation point count, the following shall apply:

(a) Any conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) Any conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) Any conviction of reckless driving shall be given a value of two points.

(d) (1) Any conviction of a violation of subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, subdivision (a) of Section 23109, subdivision (c) of Section 23109, or Section 31602 of this code, shall be given a value of two points.

(2) Any conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

(e) Except as provided in subdivision (g), any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point.

(f) Any *traffic* accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

(g) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision (b) of Section 40001 shall not result in a violation point count being given to the driver if the driver is not the owner of the vehicle.

(2) Any conviction of a violation of *paragraph (1) or (2) of subdivision (a) of Section 12814.6*, subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of Section 23136 shall not result in a violation point count.

(h) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(i) Any conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(j) Any conviction of a violation of Section 27360 ~~within a 37-month period~~ or 27360.5 shall be given a value of one point.

SEC. 3. Section 27360 of the Vehicle Code is amended to read:

27360. (a) No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward under the age of four years, regardless of weight, or weighing less than 40 pounds, regardless of age, to be transported upon a highway in the motor vehicle without providing and properly using, for each child or ward, a child passenger restraint system meeting applicable federal motor vehicle safety standards.

(b) No driver shall transport on a highway any child under four years of age, regardless of weight, or weighing less than 40 pounds, regardless of age, in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

(c) (1) A first offense under this section is punishable by a fine of one hundred dollars (\$100), except that the court may *reduce or* waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically ~~disadvantaged and the court, instead, refers the defendant to a child passenger restraint low-cost purchase or loaner program. If the fine is waived, the court shall nevertheless report the conviction to the~~ department pursuant to Section 1803.



1 ~~(2) A second or subsequent offense under this section~~  
2 ~~is punishable by a fine of one hundred dollars (\$100), no~~  
3 ~~part of which may be waived by the court. disadvantaged~~  
4 ~~and the court, instead, refers the defendant to a~~  
5 ~~community education program that includes, but is not~~  
6 ~~limited to, education on the proper installation and use of~~  
7 ~~child passenger restraint systems for children of all ages,~~  
8 ~~and provides certification to the court of completion of~~  
9 ~~that program. Upon completion of the program, the~~  
10 ~~defendant shall provide proof of participation in the~~  
11 ~~program. If an education program on the proper~~  
12 ~~installation and use of a child passenger restraint system~~  
13 ~~is not available within 50 miles of the residence of the~~  
14 ~~defendant, the requirement to participate in that~~  
15 ~~program shall be waived. If the fine is paid, waived, or~~  
16 ~~reduced, the court shall report the conviction to the~~  
17 ~~department pursuant to Section 1803. The court may, at~~  
18 ~~its discretion, require any defendant described under this~~  
19 ~~section to attend an education program that includes~~  
20 ~~demonstration of proper installation and use of child~~  
21 ~~passenger restraint systems and provides certification to~~  
22 ~~the court that the defendant has presented for inspection~~  
23 ~~a child passenger restraint system that meets applicable~~  
24 ~~federal safety standards.~~

25 (2) A second or subsequent offense under this section  
26 is punishable by a fine of two hundred fifty dollars (\$250),  
27 no part of which may be waived by the court, except that  
28 the court may reduce or waive the fine if the defendant  
29 establishes to the satisfaction of the court that he or she  
30 is economically disadvantaged, and the court, instead  
31 refers the defendant to a community education program  
32 that includes, but is not limited to, education on the  
33 proper installation and use of child passenger restraint  
34 systems for children of all ages, and provides certification  
35 to the court of completion of that program. Upon  
36 completion of the program, the defendant shall provide  
37 proof of participation in the program. If an education  
38 program on the proper installation and use of a child  
39 passenger restraint system is not available within 50 miles  
40 of the residence of the defendant, the requirement to

1 participate in that program shall be waived. If the fine is  
2 paid, waived, or reduced, the court shall report the  
3 conviction to the department pursuant to Section 1803.

4 The court may, at its discretion, require any defendant  
5 described under this section to attend an education  
6 program that includes demonstration of proper  
7 installation and use of child passenger restraint systems  
8 and provides certification to the court that the defendant  
9 has presented for inspection a child passenger restraint  
10 system that meets applicable federal safety standards.

11 (d) Notwithstanding any other provision of law, the  
12 fines collected for a violation of this section shall be  
13 allocated as follows:

14 ~~(1) Sixty percent to county health departments where~~  
15 ~~the violation occurred, to be used for a child passenger~~  
16 ~~restraint low-cost purchase or loaner program that shall~~  
17 ~~include, but not be limited to, education on the proper~~  
18 ~~installation and use of a child passenger restraint system.~~  
19 ~~The county health department shall designate a~~  
20 ~~coordinator to facilitate the creation of a special account~~  
21 ~~and to develop a relationship with the court system to~~  
22 ~~facilitate the transfer of funds to the program. The county~~  
23 ~~may contract for the implementation of the program.~~  
24 ~~Prior to obtaining possession of a child passenger restraint~~  
25 ~~system pursuant to this section, a person shall receive~~  
26 ~~information relating to the importance of utilizing that~~  
27 ~~system.~~

28 (1) Sixty percent to health departments of local  
29 jurisdictions, as defined in Section 16700 of the Welfare  
30 and Institutions Code, where the violation occurred, to be  
31 used for a community education program that includes,  
32 but is not limited to, demonstration of the installation of  
33 a child passenger restraint system for children of all ages  
34 and also assists economically disadvantaged families in  
35 obtaining those restraint systems through low-cost  
36 purchases or loans. The county or city health department  
37 shall designate a coordinator to facilitate the creation of  
38 a special account and to develop a relationship with the  
39 court system to facilitate the transfer of funds to the  
40 program. The county or city may contract for the

1 *implementation of the program. Prior to obtaining a child*  
 2 *passenger restraint system pursuant to this section, a*  
 3 *person shall attend an education program that includes*  
 4 *demonstration of the proper installation and use of child*  
 5 *passenger restraint systems.*

6 As the proceeds from fines become available, county *or*  
 7 city health departments shall prepare and maintain a  
 8 listing of all child passenger restraint low-cost purchase or  
 9 loaner programs in their counties *or cities*, including a  
 10 semiannual verification that all programs listed are in  
 11 existence. Each county *or city* shall forward the listing to  
 12 the Office of Traffic Safety in the Business,  
 13 Transportation and Housing Agency and the courts,  
 14 birthing centers, community child health and disability  
 15 prevention programs, county clinics, prenatal clinics,  
 16 women, infants, and children programs, and county  
 17 hospitals in that county, who shall make the listing  
 18 available to the public. The Office of Traffic Safety shall  
 19 maintain a listing of all of the programs in the state.

20 (2) Twenty-five percent to the county *or city* for the  
 21 administration of the program.

22 (3) Fifteen percent to the city, to be deposited in its  
 23 general fund except that, if the violation occurred in an  
 24 unincorporated area, this amount shall be allocated to the  
 25 county for purposes of paragraph (1).

26 (e) This section shall remain in effect only until  
 27 January 1, ~~2001~~ 2002, and as of that date is repealed, unless  
 28 a later enacted statute, that is enacted before January 1,  
 29 ~~2001~~ 2002, deletes or extends that date.

30 SEC. 4. Section 27360 is added to the Vehicle Code, to  
 31 read:

32 27360. (a) No parent or legal guardian, when present  
 33 in a motor vehicle, as defined in Section 27315, shall  
 34 permit his or her child or ward ~~under the age of seven~~  
 35 ~~years~~ to be transported upon a highway in the motor  
 36 vehicle without providing and properly securing the  
 37 child or ward, in a child passenger restraint system  
 38 meeting applicable federal motor vehicle safety  
 39 standards *unless the child or ward is at least one of the*  
 40 *following:*

1     (1) *Six years of age or older.*

2     (2) *Weights 60 pounds or more.*

3     (b) No driver shall transport on a highway any child  
4 ~~under seven years of age~~ in a motor vehicle, as defined in  
5 Section 27315, without providing and properly securing  
6 the child in a child passenger restraint system meeting  
7 applicable federal motor vehicle safety standards. ~~This~~  
8 *unless the child is at least one of the following:*

9     (1) *Six years of age or older.*

10    (2) *Weights 60 pounds or more.*

11    This subdivision does not apply to a driver if the parent  
12 or legal guardian of the child is also present in the vehicle  
13 and is not the driver.

14    (c) (1) A first offense under this section is punishable  
15 by a fine of one hundred dollars (\$100), except that the  
16 court may reduce or waive the fine if the defendant  
17 establishes to the satisfaction of the court that he or she  
18 is economically disadvantaged, ~~has not had a previous~~  
19 ~~conviction for a violation of this section or subdivision (c)~~  
20 ~~of Section 27360.5 within 36 months of the recent~~  
21 ~~violation~~, and the court, instead, refers the defendant to  
22 a community education program that includes, but is not  
23 limited to, education on the proper installation and use of  
24 child passenger restraint systems for children of all ages,  
25 and provides certification to the court of completion of  
26 that program. Upon completion of the program, the  
27 defendant shall provide proof of participation in the  
28 program. If an education program on the proper  
29 installation and use of a child passenger restraint system  
30 is not available within 50 miles of the residence of the  
31 defendant, the requirement to participate in that  
32 program shall be waived. If the fine is paid, waived, or  
33 reduced, the court shall report the conviction to the  
34 department pursuant to Section 1803.

35    The court may, at its discretion, require any defendant  
36 described under this section to attend an education  
37 program that includes demonstration of proper  
38 installation and use of child passenger restraint systems  
39 and provides certification to the court that the defendant

1 has presented for inspection a child passenger restraint  
2 system that meets applicable federal safety standards.

3 (2) A second or subsequent offense under this section  
4 is punishable by a fine of two hundred fifty dollars (\$250),  
5 no part of which may be waived by the court, except that  
6 the court may reduce or waive the fine if the defendant  
7 establishes to the satisfaction of the court that he or she  
8 is economically disadvantaged, and the court, instead  
9 refers the defendant to a community education program  
10 that includes, but is not limited to, education on the  
11 proper installation and use of child passenger restraint  
12 systems for children of all ages, and provides certification  
13 to the court of completion of that program. Upon  
14 completion of the program, the defendant shall provide  
15 proof of participation in the program. If an education  
16 program on the proper installation and use of a child  
17 passenger restraint system is not available within 50 miles  
18 of the residence of the defendant, the requirement to  
19 participate in that program shall be waived. If the fine is  
20 paid, waived, or reduced, the court shall report the  
21 conviction to the department pursuant to Section 1803.

22 The court may, at its discretion, require any defendant  
23 described under this section to attend an education  
24 program that includes demonstration of proper  
25 installation and use of child passenger restraint systems  
26 and provides certification to the court that the defendant  
27 has presented for inspection a child passenger restraint  
28 system that meets applicable federal safety standards.

29 (d) Notwithstanding any other provision of law, the  
30 fines collected for a violation of this section shall be  
31 allocated as follows:

32 (1) Sixty percent to health departments of local  
33 jurisdictions, as defined in Section 16700 of the Welfare  
34 and Institutions Code, where the violation occurred, to be  
35 used for a community education program that includes,  
36 but is not limited to, demonstration of the installation of  
37 a child passenger restraint system for children of all ages  
38 and also assists economically disadvantaged families in  
39 obtaining those restraint systems through low-cost  
40 purchases or loans. The county or city health department

1 shall designate a coordinator to facilitate the creation of  
2 a special account and to develop a relationship with the  
3 municipal court system to facilitate the transfer of funds  
4 to the program. The county or city may contract for the  
5 implementation of the program. Prior to obtaining  
6 possession of a child passenger restraint system pursuant  
7 to this section, a person shall attend an education  
8 program that includes demonstration of proper  
9 installation and use of child passenger restraint systems.

10 As the proceeds from fines become available, county or  
11 city health departments shall prepare and maintain a  
12 listing of all child passenger restraint low-cost purchase or  
13 loaner programs in their counties, including a semiannual  
14 verification that all programs listed are in existence. Each  
15 county or city shall forward the listing to the Office of  
16 Traffic Safety in the Business, Transportation and  
17 Housing Agency and the courts, birthing centers,  
18 community child health and disability prevention  
19 programs, county clinics, prenatal clinics, women,  
20 infants, and children programs, and county hospitals in  
21 that county, who shall make the listing available to the  
22 public. The Office of Traffic Safety shall maintain a listing  
23 of all of the programs in the state.

24 (2) Twenty-five percent to the county or city for the  
25 administration of the program.

26 (3) Fifteen percent to the city, to be deposited in its  
27 general fund except that, if the violation occurred in an  
28 unincorporated area, this amount shall be allocated to the  
29 county for purposes of paragraph (1).

30 (e) This section shall become operative on January 1,  
31 ~~2001~~, 2002.

32 SEC. 5. Section 27360.5 of the Vehicle Code is  
33 amended to read:

34 27360.5. (a) No parent or legal guardian, when  
35 present in a motor vehicle, as defined in Section 27315,  
36 shall permit his or her child or ward who is four years of  
37 age or older but less than 16 years of age and weighs 40  
38 pounds or more to be transported upon a highway in the  
39 motor vehicle without providing and properly using, ~~for~~  
40 ~~each~~ *securing the child or ward, a in an appropriate child*

1 *restraint system or safety belt meeting applicable federal*  
2 *motor vehicle safety standards.*

3 (b) No driver shall transport on a highway any child  
4 who is four years of age or older but less than 16 years of  
5 age and weighs 40 pounds or more in a motor vehicle, as  
6 defined in Section 27315, without providing and properly  
7 ~~using a securing the child in a child passenger restraint~~  
8 *system or safety belt meeting applicable federal motor*  
9 *vehicle safety standards. This subdivision does not apply*  
10 *to a driver if the parent or legal guardian of the child is*  
11 *also present in the vehicle and is not the driver.*

12 (c) (1) A first offense under this section is punishable  
13 ~~by a fine of fifty dollars (\$50).~~

14 ~~(2) A second or subsequent offense under this section~~  
15 ~~is punishable by a fine of one hundred dollars (\$100).~~

16 ~~(d) by a fine of one hundred dollars (\$100), except~~  
17 ~~that the court may reduce or waive the fine if the~~  
18 ~~defendant establishes to the satisfaction of the court that~~  
19 ~~he or she is economically disadvantaged and the court,~~  
20 ~~instead, refers the defendant to a child restraint~~  
21 ~~education program that includes, but is not limited to,~~  
22 ~~demonstration of the proper installation and use of child~~  
23 ~~passenger restraint systems for children of all ages, and~~  
24 ~~provides economically disadvantaged families with a~~  
25 ~~child passenger restraint low-cost purchase or loaner~~  
26 ~~program. Upon completion of the program, the~~  
27 ~~defendant shall provide proof of participation in the~~  
28 ~~program that includes an inspection of a child passenger~~  
29 ~~restraint system that meets applicable federal safety~~  
30 ~~standards. If an education program on the proper~~  
31 ~~installation and use of a child passenger restraint system~~  
32 ~~is not available within 50 miles of the residence of the~~  
33 ~~defendant, the requirement to participate in that~~  
34 ~~program shall be waived. If the fine is paid, waived, or~~  
35 ~~reduced, the court shall report the conviction to the~~  
36 ~~department pursuant to Section 1803. The court may, at~~  
37 ~~its discretion, require any defendant punishable under~~  
38 ~~this paragraph to attend and education program that~~  
39 ~~includes demonstration of the proper use of occupant~~  
40 ~~restraint systems for children of all ages.~~



1 (2) A second or subsequent offense under this section  
2 is punishable by a fine of two hundred fifty dollars (\$250),  
3 no part of which may be waived by the court, except that  
4 the court may reduce or waive the fine if the defendant  
5 establishes to the satisfaction of the court that he or she  
6 is economically disadvantaged, and the court, instead  
7 refers the defendant to a community education program  
8 that includes, but is not limited to, education on the  
9 proper installation and use of child passenger restraint  
10 systems for children of all ages, and provides certification  
11 to the court of completion of that program. Upon  
12 completion of the program, the defendant shall provide  
13 proof of participation in the program. If an education  
14 program on the proper installation and use of a child  
15 passenger restraint system is not available within 50 miles  
16 of the residence of the defendant, the requirement to  
17 participate in that program shall be waived. If the fine is  
18 paid, waived, or reduced, the court shall report the  
19 conviction to the department pursuant to Section 1803.  
20 The court may at its discretion, require any defendant  
21 described under this section to attend an education  
22 program that includes demonstration of proper  
23 installation and use of child passenger restraint systems  
24 and provides certification to the court that the defendant  
25 has presented for inspection a child passenger restraint  
26 system that meets applicable federal safety standards.

27 (d) Notwithstanding any other provision of law, the  
28 fines collected for a violation of this section shall be  
29 allocated as follows:

30 (1) Sixty percent to county or city health departments  
31 where the violation occurred, to be used for an education  
32 program that includes, but is not limited to, the  
33 demonstration of proper installation and use of child  
34 passenger restraint systems for children of all ages and  
35 provides child restraints for loan or low-cost purchase.

36 (2) Twenty-five percent to the county or city for the  
37 administration of the program.

38 (3) Fifteen percent to the city, to be deposited in its  
39 general fund except that, if the violation occurred in an



1 *unincorporated area, this amount shall be allocated to the*  
2 *county for purposes of paragraph (1).*

3 (e) This section shall remain in effect only until  
4 January 1, 2001- 2002, and as of that date is repealed, unless  
5 a later enacted statute, that is enacted before January 1,  
6 2001- 2002, deletes or extends that date.

7 SEC. 6. Section 27360.5 is added to the Vehicle Code,  
8 to read:

9 27360.5. (a) No parent or legal guardian, when  
10 present in a motor vehicle, as defined in Section 27315,  
11 may permit his or her child or ward who is ~~seven years of~~  
12 ~~age or older~~ *six years of age, but less than 16 years of age,*  
13 *or who is less than six years of age and weighs 60 pounds*  
14 *or more* to be transported upon a highway in the motor  
15 vehicle without providing and properly securing the  
16 child or ward in an appropriate child passenger restraint  
17 system or safety belt meeting applicable federal motor  
18 vehicle safety standards.

19 (b) No driver may transport on a highway any child  
20 who is ~~seven years of age or older~~ *six years of age, but less*  
21 *than 16 years of age, or who is less than six years of age and*  
22 *weighs 60 pounds or more* in a motor vehicle, as defined  
23 in Section 27315, without providing and properly  
24 securing the child in a child passenger restraint system or  
25 safety belt meeting applicable federal motor vehicle  
26 safety standards. This subdivision does not apply to a  
27 driver if the parent or legal guardian of the child is also  
28 present in the vehicle and is not the driver.

29 (c) (1) A first offense under this section is punishable  
30 by a fine of one hundred dollars (\$100), except that the  
31 court may reduce or waive the fine if the defendant  
32 establishes to the satisfaction of the court that he or she  
33 is economically disadvantaged, ~~has not had a previous~~  
34 ~~conviction of violating this section within 36 months of~~  
35 ~~the recent violation,~~ and the court, instead, refers the  
36 defendant to a child restraint education program that  
37 includes, but is not limited to, demonstration of the  
38 proper installation and use of child passenger restraint  
39 systems for children of all ages, and provides  
40 economically disadvantaged families with a child

1 passenger restraint low-cost purchase or loaner program.  
2 Upon completion of the program, the defendant shall  
3 provide proof of participation in the program that  
4 includes an inspection of a child passenger restraint  
5 system that meets applicable federal safety standards. If  
6 an education program on the proper installation and use  
7 of a child passenger restraint system is not available  
8 within 50 miles of the residence of the defendant, the  
9 requirement to participate in that program shall be  
10 waived. If the fine is paid, waived, or reduced, the court  
11 shall report the conviction to the department pursuant to  
12 Section 1803.

13 ~~The court may, at its discretion, require any defendant~~  
14 ~~punishable under this paragraph to attend an education~~  
15 ~~program that includes demonstration of the proper use of~~  
16 ~~occupant restraint systems for children of all ages.~~

17 *The court may, at its discretion, require any defendant*  
18 *described under this section to attend an education*  
19 *program that includes demonstration of proper*  
20 *installation and use of child passenger restraint systems*  
21 *and provides certification to the court that the defendant*  
22 *has presented for inspection a child passenger restraint*  
23 *system that meets applicable federal safety standards.*

24 (2) A second or subsequent offense under this section  
25 is punishable by a fine of two hundred fifty dollars (\$250),  
26 no part of which may be waived by the court, except that  
27 the court may reduce or waive the fine if the defendant  
28 establishes to the satisfaction of the court that he or she  
29 is economically disadvantaged, and the court, instead  
30 refers the defendant to a community education program  
31 that includes, but is not limited to, education on the  
32 proper installation and use of child passenger restraint  
33 systems for children of all ages, and provides certification  
34 to the court of completion of that program. Upon  
35 completion of the program, the defendant shall provide  
36 proof of participation in the program. If an education  
37 program on the proper installation and use of a child  
38 passenger restraint system is not available within 50 miles  
39 of the residence of the defendant, the requirement to  
40 participate in that program shall be waived. If the fine is

1 paid, waived, or reduced, the court shall report the  
2 conviction to the department pursuant to Section 1803.

3 The court may at its discretion, require any defendant  
4 described under this section to attend an education  
5 program that includes demonstration of proper  
6 installation and use of child passenger restraint systems  
7 and provides certification to the court that the defendant  
8 has presented for inspection a child passenger restraint  
9 system that meets applicable federal safety standards.

10 (d) Notwithstanding any other provision of law, the  
11 fines collected for a violation of this section shall be  
12 allocated as follows:

13 (1) Sixty percent to county or city health departments  
14 where the violation occurred, to be used for an education  
15 program that includes, but is not limited to, the  
16 demonstration of proper installation and use of child  
17 passenger restraint systems for children of all ages and  
18 provides child restraints for loan or low-cost purchase.

19 (2) Twenty-five percent to the county or city for the  
20 administration of the program.

21 (3) Fifteen percent to the city, to be deposited in its  
22 general fund except that, if the violation occurred in an  
23 unincorporated area, this amount shall be allocated to the  
24 county for purposes of paragraph (1).

25 (e) This section shall become operative on January 1,  
26 2001.

27 SEC. 7. Section 27361 of the Vehicle Code is amended  
28 to read:

29 27361. ~~(a)~~ Any law enforcement officer reasonably  
30 suspecting a violation of Section 27360 *or 27360.5, or both*  
31 *of those sections*, may stop any vehicle transporting a  
32 child appearing to the officer to be within the age or  
33 weight specified in Section 27360 *or 27360.5*. The officer  
34 may issue a notice to appear for a violation of Section  
35 27360.

36 ~~(b) This section shall remain in effect only until~~  
37 ~~January 1, 2001, and as of that date is repealed, unless a~~  
38 ~~later enacted statute, that is enacted before January 1,~~  
39 ~~2001, deletes or extends that date.~~

~~SEC. 8. Section 27361 is added to the Vehicle Code, to read:~~

~~27361. (a) Any law enforcement officer reasonably suspecting a violation of Section 27360 or 27360.5, or both of those sections, may stop any vehicle transporting a child appearing to the officer to be within the age or weight specified in Section 27360 or 27360.5. The officer may issue a notice to appear for a violation of Section 27360 or 27360.5.~~

~~(b) This section shall become operative on January 1, 2001.~~

~~SEC. 9.~~

~~SEC. 8. Section 27363 of the Vehicle Code is amended to read:~~

~~27363. (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size.~~

~~(b) In case of ~~an~~ a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available and the child is at least one year of age, a child may be transported without the use of such a system, but the child shall be secured by a seat belt.~~

~~(c) This section shall remain in effect only until January 1, 2001 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001 2002, deletes or extends that date.~~

~~SEC. 10.~~

~~SEC. 9. Section 27363 is added to the Vehicle Code, to read:~~

~~27363. (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by~~

1 reason of physical unfitness, medical condition, or size.  
2 The court may require satisfactory proof of the child's  
3 physical unfitness, medical condition, or size and that an  
4 appropriate special needs child passenger restraint  
5 system is not available.

6 (b) In case of a life-threatening emergency, or when  
7 a child is being transported in an authorized emergency  
8 vehicle, if there is no child passenger restraint system  
9 available and the child is at least one year of age, a child  
10 may be transported without the use of that system, but  
11 the child shall be secured by a seatbelt.

12 (c) A child weighing more than 40 pounds may be  
13 transported in the backseat of a vehicle while wearing  
14 only a lap safety belt when the backseat of the vehicle is  
15 not equipped with a combination lap and shoulder safety  
16 belt.

17 (d) This section shall become operative on January 1,  
18 ~~2001~~ 2002.

19 ~~SEC. 11.~~

20 SEC. 10. Section 27363.5 of the Vehicle Code is  
21 amended to read:

22 27363.5. (a) Every public or private hospital, clinic,  
23 or birthing center, shall, at the time of or before the  
24 discharge of a child under the age of four years, or  
25 weighing less than 40 pounds, provide and discuss  
26 information on the law requiring child passenger  
27 restraint systems to the parents or the person to whom the  
28 child is released.

29 (b) A public or private hospital, clinic, or birthing  
30 center shall not be responsible for the failure of the parent  
31 or person to whom the child is released to use a child  
32 passenger restraint system.

33 (c) This section shall remain in effect only until  
34 January 1, ~~2001~~ 2002, and as of that date is repealed, unless  
35 a later enacted statute, that is enacted before January 1,  
36 ~~2001~~ 2002, deletes or extends that date.

37 ~~SEC. 12.~~

38 SEC. 11. Section 27363.5 is added to the Vehicle Code,  
39 to read:

1 27363.5. (a) Every public or private hospital, clinic,  
2 or birthing center, shall, at the time of the discharge of a  
3 child ~~under the age of seven years~~ provide and discuss  
4 information on the current law requiring child passenger  
5 restraint systems to the parents or the person to whom the  
6 child is released *when at least one of the following*  
7 *conditions is met:*

8 (1) *The child is less than six years of age.*

9 (2) *The child weighs less than 60 pounds.*

10 (b) A public or private hospital, clinic, or birthing  
11 center shall not be responsible for the failure of the parent  
12 or person to whom the child is released to use a child  
13 passenger restraint system.

14 (c) This section shall become operative on January 1,  
15 ~~2001~~ 2002.

16 ~~SEC. 13.~~

17 SEC. 12. Section 27365 of the Vehicle Code is  
18 amended to read:

19 27365. (a) (1) Every car rental agency in California  
20 shall inform each of its customers of the provisions of  
21 Section 27360 by posting, in a place conspicuous to the  
22 public in each established place of business of the agency,  
23 a notice not smaller than 15 inches by 20 inches which  
24 states the following:

25  
26 “CALIFORNIA LAW REQUIRES ALL CHILDREN  
27 UNDER THE AGE OF 4, REGARDLESS OF WEIGHT,  
28 OR WEIGHING LESS THAN 40 POUNDS,  
29 REGARDLESS OF AGE, TO BE TRANSPORTED IN A  
30 CHILD RESTRAINT SYSTEM. THIS AGENCY IS  
31 REQUIRED TO PROVIDE FOR RENTAL A CHILD  
32 RESTRAINT SYSTEM IF YOU DO NOT HAVE SUCH A  
33 SYSTEM YOURSELF.”

34  
35 (2) The posted notice specified in paragraph (1) is not  
36 required if the car rental agency’s place of business is  
37 located in a hotel which has a business policy prohibiting  
38 the posting of signs or notices in any area of the hotel. In  
39 that case, a car rental agency shall furnish a written notice

1 to each customer which contains the same information as  
2 required for the posted notice.

3 (b) Every car rental agency in California shall have  
4 available for, and shall, upon request, provide for rental  
5 to, adults traveling with children under the age of four,  
6 regardless of weight, or weighing less than 40 pounds,  
7 regardless of age, child passenger seat restraint systems  
8 meeting applicable federal motor vehicle safety  
9 standards on the date of the rental transaction, in good  
10 and safe condition, with no missing original parts, and not  
11 older than five years.

12 (c) A violation of this section is an infraction  
13 punishable by a fine of one hundred dollars (\$100).

14 (d) This section shall remain in effect only until  
15 January 1, 2001 2002, and as of that date is repealed, unless  
16 a later enacted statute, that is enacted before January 1,  
17 2001 2002, deletes or extends that date.

18 ~~SEC. 14.~~

19 *SEC. 13.* Section 27365 is added to the Vehicle Code,  
20 to read:

21 27365. (a) (1) Every car rental agency in California  
22 shall inform each of its customers of the provisions of  
23 Section 27360 by posting, in a place conspicuous to the  
24 public in each established place of business of the agency,  
25 a notice not smaller than 15 inches by 20 inches which  
26 states the following: "CALIFORNIA LAW REQUIRES  
27 ~~ALL CHILDREN UNDER THE AGE OF 7 WHO ARE~~  
28 ~~5 YEARS OF AGE OR LESS OR WHO WEIGH LESS~~  
29 ~~THAN 60 POUNDS~~ TO BE TRANSPORTED IN A  
30 CHILD RESTRAINT SYSTEM. THIS AGENCY IS  
31 REQUIRED TO PROVIDE FOR RENTAL A CHILD  
32 RESTRAINT SYSTEM IF YOU DO NOT HAVE A  
33 CHILD RESTRAINT SYSTEM YOURSELF."

34 (2) The posted notice specified in paragraph (1) is not  
35 required if the car rental agency's place of business is  
36 located in a hotel which has a business policy prohibiting  
37 the posting of signs or notices in any area of the hotel. In  
38 that case, a car rental agency shall furnish a written notice  
39 to each customer which contains the same information as  
40 required for the posted notice.



1 (b) Every car rental agency in California shall have  
2 available for, and shall, upon request, provide for rental  
3 to, adults traveling with children under seven years of  
4 age, child passenger seat restraint systems that meet  
5 applicable federal motor vehicle safety standards on the  
6 date of the rental transaction, are in good and safe  
7 condition, with no missing original parts, and are not  
8 older than five years.

9 (c) A violation of this section is an infraction  
10 punishable by a fine of one hundred dollars (\$100).

11 (d) This section shall become operative on January 1,  
12 ~~2001~~ 2002.

13 *SEC. 14. Section 2 of this bill incorporates*  
14 *amendments to Section 12810 of the Vehicle Code*  
15 *proposed by both this bill and SB 1403. It shall only*  
16 *become operative if (1) both bills are enacted and*  
17 *become effective on or before January 1, 2001, (2) each*  
18 *bill amends Section 12810 of the Vehicle Code, and (3)*  
19 *this bill is enacted after SB 1403, in which case Section 1*  
20 *of this bill shall not become operative.*

21 SEC. 15. No reimbursement is required by this act  
22 pursuant to Section 6 of Article XIII B of the California  
23 Constitution for certain costs that may be incurred by a  
24 local agency or school district because in that regard this  
25 act creates a new crime or infraction, eliminates a crime  
26 or infraction, or changes the penalty for a crime or  
27 infraction, within the meaning of Section 17556 of the  
28 Government Code, or changes the definition of a crime  
29 within the meaning of Section 6 of Article XIII B of the  
30 California Constitution.

31 However, notwithstanding Section 17610 of the  
32 Government Code, if the Commission on State Mandates  
33 determines that this act contains other costs mandated by  
34 the state, reimbursement to local agencies and school  
35 districts for those costs shall be made pursuant to Part 7  
36 (commencing with Section 17500) of Division 4 of Title  
37 2 of the Government Code. If the statewide cost of the  
38 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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